

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

PATRICK UZOMBA 881642

Plaintiff's name and ID Number

BEXAR COUNTY ADULT DETENTION CENTER
Place of Confinement (BCADC)

SA09CA0020 XR
CASE NO. _____

(Clerk will assign the number)

v.

BEXAR COUNTY and Employees

Defendant's name and address 200. N. Comal; San Antonio TX 78207

UNIVERSITY HEALTH SYSTEM (UHS) and Employees

Defendant's name and address 4502 Medical Dr.; San Antonio TX 78229

VIA Metropolitan Transit System (VMTS) and Employees

Defendant's name and address 3500 N.W. Loop 410, San Antonio, TX 78229
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
- 3.28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
5. The complaint can not exceed 20 pages which includes all attachments.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: May 27, 2008

2. Parties to previous lawsuit:

Plaintiff(s) Patrick Uzomba

Defendant(s) City of San Antonio

3. Court: (If federal, name the district; if state, name the county.) Western district

4. Docket Number: SA - 8-CA-416-XR

5. Name of judge to whom case was assigned: _____

II. PLACE OF PRESENT CONFINEMENT (BC ADC) Bexar County Adult Detention Center

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: PATRICK UZOMBA

BC ADC, 200 N. Comal; San Antonio, TX 78207

Home Address: 9229 Rustlers Creek; San Antonio, TX 78230

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bexar County, Sheriff Dept. and Employees

200 N. Comal; San Antonio, TX 78207

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Conspirators and decision makers of policy/custom,

knowing and fail to act upon prior similar, complaints of constitutional deprivation that cause injury, failure to adequately receive
~~Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.~~ complaints.

Defendant #2 Colonel Earl Griffin BCADC Jail Administrator

200 N. Comal; San Antonio, TX 78207

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Willful blindness to misfeasance and nonfeasance, that elevated risk and failure to take obvious steps, to address known serious risk. Failure to receive complaints and/or
~~Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.~~ act properly

Defendant #3 Sergeant Berry, Bexar County Jail officer

200 N. Comal; San Antonio, TX 78207

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Conspire with other officials to retaliate and caused serious injuries and intentional inflict emotional distress, Denial of prescribed medical treatment, Discrimination

Attachment

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of

Section IV Parties to this suit contd'.

Defendant #4: H. Adams, BCAAC Correctional Officer
200 N. Comal; San Antonio, TX 78207

Malfeasance acts; Willful excessive, brutal and malicious use of force; illegal confiscation of property and legal papers; Intentional infliction of emotional distress.

Defendant #5: BCAAC Correctional Officers Wilkins, Urradzo, Gamble, Contreras, Washington and others. Failure to protect plaintiff; conspire with inmates to cause bodily injuries to plaintiff; Endangerment whereby slander of dissemination of defamatory statements about Plaintiff Uzombe.

Defendant #6: University Health System and Employees, 4502 Medical Dr., San Antonio, TX 78229 and 200 N. Comal; San Antonio, TX 78207

Conspired with VIA Police and SAPD (San Antonio Police Department); Sexually assault, forced unauthorized medical procedures, cause ^{serious} bodily injuries; Harassment, Intentional infliction of emotional distress. Conspire with BCAAC & demonstrated deliberate indifference to serious medical needs and care.

Defendant #7: VIA Metropolitan Transit and Employees 3500 NW Loop ¹⁶⁰; San Antonio, TX 78229

Kidnapping; False Imprisonment; Conspire on Sexually assault and Intentional Infliction Emotional distress

Defendant #8: Dr. Linda Fortmeyer #145 diabetic Doctor 200 N. Comal; San Antonio, TX 78207. Endangerment of Plaintiff life. Denial and Deliberate Indifferent to serious Medical care.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

- 1) Since March of 2007, Bexar County sheriff department and Employees, Sheriff Rolando R. Tafolla, Lopez, Colonel Earl Griffin (Jail Administrator), conspire, failed adequately to receive, investigated or act upon complaints of misconduct by sheriff department employees and contractors; notice of pattern of unconstitutional acts committed by subordinates demonstrate indifference or tacit authorization of offensive acts, failed to take sufficient remedial action and such failure proximately caused injuries. Examples: (a) Retaliations (b) Interfere and denial of Attorney visitation ~~feature~~ (August 27, 2008) (c) Legal mail confidential communication (d) officers

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Compensation of Money and property losses, Punitive, exemplary and pain, emotional, injunctive sufferings and interest relief.

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

N/A

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

YES NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed: (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? _____

YES NO

Attachment

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Section V Statement of Claim, Contd'

retaliate and conspire with and acceding groups of inmates to assault and cause bodily injuries to Plaintiff (October 28, November 15, and December 21 of 2008), and cause loss of property and commissary items purchase from Aramark (contractors to BCADC to provide meals and commissary), whom in turn benefits by selling more commissary to members to replace stolen items. (This is widespread norm, BCADC is well known not remedying losses caused by their officials) (e) Excessive and reckless mold and tuberculosis exposures (f) denial of prescribed medication, care, needs, and treatment (g) inadequate, improper and/or ineffective grievance procedures and policy (h) Meals served cold and in dirty trays, cuts on trays that dish washing and contaminated liquid drip into food and cause sickness and food poisons

(2) Colonel Earl Griffin as BCADC jail Administrator, the final authority and decision maker on grievance appeals, has one liner "appeal denied" and the response to the original grievance itself is usually "has been addressed" not very informative.

(3) Corporal Berry (now promoted to Sergeant). Berry in 2007 about May/June, Plaintiff complaint of Berry denying medical prescribed "Johnny Sack" to combat low blood sugar count (hypoglycemia) has turned everlasting and on going retaliations.

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First, Berry retaliated and conspired to fabricate disciplinary write-up (which was dismissed). Berry personally delivered the write-up, and humiliated Plaintiff Uzomba in front of the whole unit of inmates, by mocking and make fun of my ^(his) Last name and national origin. Inmates picked up where Berry left off and so did problems with inmates. I wrote grievance against Berry as advised by an onlooker unit officer, whose comment was "write him up for unprofessional behavior, --- he was suppose to call you out and address issues in the hallway". Retaliations began, mainly from Afro-American correctional officers (Berry himself - Afro-American), Notably two officers named "Adams" (one female the other male), and Washington. Thereupon the female Adams moved Plaintiff Uzomba from "Bottom bunk" to "Top bunk". And Uzomba was medically assigned bottom-bunk, Lower tier. Medical records will show: (I) herniated disk from recent automobile accident back pains and problems and was still under doctor's care and treatments, when he was arrested (II) heavily medicated with pain, sleeping, muscle relaxer, high blood pressure medications (III) low blood sugar count (hypoglycemic). Wherewithal dismissed being assigned to top bunk. Plaintiff pled with the officials, but no one would listen or check the records. Uzomba was forced onto "Top Bunk", and he fell from the Top bunk. He was not afforded adequate medical attention no X-rays and he still suffer from injuries sustained. Berry on other occasions had ordered Uzomba to wait in the hallway, thereupon have inmates pack up Uzomba's

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belongs unsupervised (common practice at BCADC) (when officer want to punish an inmate). Uzomba suffered great amount losses of commissary, a legal papers and material

(4) Officer H. Adams (male), on September 15, 2008 at BCADC unit 3A, 2nd shift, unprovoked and without cause handcuffed Uzomba behind his back, and acceded other inmates to take his commissary, while Adams assaulted Uzomba and caused bodily injuries and inflicted emotional distress. Adams willfully banged Uzomba's forehead, ^(left permanent bump) against steel metal bunk and kneed him on his lower back, saying he was going to break Uzomba's back. Adams is a good 260 to 300 pounds and Uzomba a 165 pound slim built, and 54 years in age. Adams confiscated all Uzomba's legal papers and writing materials and once again denial of medical care. Plaintiff Uzomba's grievances fell on ~~as~~ deaf ears.

(5) Correctional officers Wilkins, Washington, Gamble, Contreras, H. Adams and others advise and spread slanderous statements to inmates and other officers that Uzomba (plaintiff) is a "jail house thief", was caught stealing and beaten up, and any where he goes he will get the same". These officers were completely aware of the life and safety endangerment of their slanderous false accusations. This resulted to several attacks on Uzomba by groups of three or more inmates on October 28, 2008, November 15, 2008, December 21, 2008 and stealing and taking of Uzomba's commissary at will, if Uzomba complains, he is sent to a holding cell and lose my belongs as officers

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1 D = one "D"

will have inmates pack his belongs unsupervised. Living unit "1" officer on 2nd shift on October 28, 2008, instructed inmates to throw Uzomba's property into the garbage, after she acceded a group of hispanic inmates to attack Uzomba, sending Uzomba to the hospital with lost vision ~~of~~ and multiple injuries.

- (6) University Health System (UHS) and employees
- (a) In March of 2007 UHS employees conspired with VIA metropolitan Transit (VIA) Police to sexually assault and abuse Plaintiff Uzomba, illegally forced an unauthorized medical procedure(s), that caused injury and bleed from his penis, then sent a huge medical bills, followed with constant mail and phone harassments at his home.
- (b) On April 11, 2008, UHS male nurse (request for discovery) and employee's conspired with SAPD (San Antonio Police Dept.) and surprise attacked ~~to~~ Uzomba from behind, without any warning, ~~and~~ assaulted and reopened freshly close stitches and induced additional injuries. [Plaintiff had gone to University Hospital on West Martin and Frio street after being ambushed, robbed and multiple stab wounds to his armpit and neck bleeding heavily moments earlier on the street.]
- (c) On October 28, 2008 Plaintiff was beaten badly by BCAIC inmates, and was suffering temporal lost of vision (eyelids swollen shut), UHS medical

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doctor refused to examine, treat or order any medications for Uzomba. Instead of putting Uzomba in wheelchair, UHS employees had sheriff officer lead Uzomba around the hospital hallways by a two finger pinch of Uzomba's shirt. UHS employees and the Sheriff laughed at and made fun of Uzomba, when the officer would let go of Uzomba and Uzomba walked into objects and walls.

(d) Dr. Linda Fortmeyer of UHS at BCADC in January of 2008 ordered the nurse not to give Uzomba glucose tablets or snacks to get Uzomba's blood sugar count close to normal range (90 to 120), and Uzomba's count was 30 ⁰ normally low. Fortmeyer reasoning was Uzomba was not her patient, but the blood sugar test was ordered for medical purpose. Fortmeyer did not know anything or want to know anything about Uzomba's medical history. She just did not care and was in a rush trying to get off work and just coincidental met Uzomba and asserted her authority. ordered the correctional officer to drag Uzomba back to his cell, when Uzomba was a loss of energy and passing out.

(E) Gona Zales, (Physician/Medical Assistant) for UHS at BCADC said "I am so sorry you are sick, but you are in jail, and as long as you are here you are going to be sick, I'm so sorry I can't help you" in response to Uzomba's medical

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complaints and need of low blood sugar counts, coughing up mucus and blood, high blood pressure in 199 range", that ^{needed} ~~was~~ to ^{pressure} (blood) come down before the Detentist can work on Uzomba's tooth.

UHS as medical provider for inmates in BCADC demonstrate deliberate indifference to Uzomba's serious medical needs. Denied Uzomba adequate medical care after injuries caused by BCADC official and inmates, fall from top bunk, low blood sugar count, spitting and coughing up mucus and blood all day and night since April of 2008. Nor does UHS follow-prescribed medical treatments, medications, follow-up treatments or checks, in totality constitute cruel and unusual punishment and constitutional violations of a detainee plaintiff.

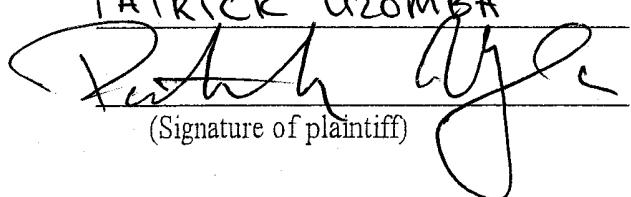
(7) In mid March of 2007 VIA Metropolitan Transit Police kidnapped plaintiff Uzomba from a VIA bus, strapped and tied Uzomba onto a stretcher (causing discomfort and pain and suffering), and transported Uzomba to University Hospital (UHS) at Medical Center. Thereupon conspired with medical nurses and doctor(s) and employees, to sexually assault and abuse Uzomba. Illegally forced an unauthorized medical procedures that caused injuries, bleeding from penis, and incurred a huge medical bill upon Plaintiff Uzomba.

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- (8) Aramark under contract with BADC is in conflict of interest, monopoly, conspiracy, and in violation of Plaintiff Ilzomba's rights of basic necessity of adequate meals. Aramark provide inmates with three meals a day, sell inmates commissary twice a week and fresh favorites (not fresh at all) everyday, at high mark-up prices. Aramark cuts back on portion and kind of meals (eg no more milk for breakfast) only two variety of breakfast over and over). This forces inmates to have to purchase more and more commissary. Most of the time items are missing from the trays, but not replaced. Conspiracy to to have inmates spend more on commissary. Trays are left standing ^{in hallways} many hours between preparation and inmate actually eating. Food is very cold and spoiling. Condensation of vapor drip into the food from tray stacked on top and the trays are very dirty, old and have cracks in them and this stores dishwash fluid, dirty and poisonous and contaminated, and gets into the food, causing variety of sickness, of which inmates have to pay for medications, doctors visit as well as sufferings.

- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)
1. Court that imposed warning (if federal, give the district and division): _____
 2. Case Number: _____
 3. Approximate date warnings were imposed: _____

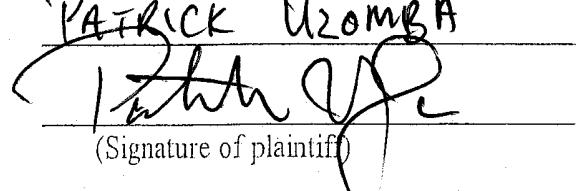
Executed on: 1/04/09
DATE

PATRICK UZOMBA

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$250 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 06 day of January, 2009
(Day) (month) (year)

PATRICK UZOMBA

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.